

RESPONSE TO COMMENTS
RCRA DRAFT PERMIT
RECLAIMED ENERGY CO., INC.
CONNERSVILLE, INDIANA
IND 000 780 403

INTRODUCTION

The public comment period for the Reclaimed Energy Draft Permit Renewal began on July 12, 2007, with a public notice in the Connersville News-Examiner, a radio announcement on radio station WIFE FM and a mass mailing to interested parties. The notice and announcement requested comments regarding the Draft RCRA Permit Renewal. The public comment period ended on August 27, 2007.

This Response to Comments is issued pursuant to 329 IAC 3.1-13-13, which requires that the Indiana Department of Environmental Management (IDEM) shall:

1. briefly describe and respond to all significant comments on the Draft Permit;
2. specify which provisions, if any, of the Draft Permit have been changed, and the reasons for the change; and
3. explain the right to request an adjudicatory hearing on the permit as specified in IC 4-21.5.3.5 (see Notice of Decision).

RESPONSE TO PUBLIC COMMENTS

No comments regarding the draft permit were received from the public.

RESPONSE TO FACILITY COMMENTS

Pursuant to the issuance of the Draft IDEM RCRA Permit dated July 12, 2007, the facility submitted the following comments in accordance with the public comment procedures. The comments are described in the following sections along with the IDEM's response and any changes made as a result of the comments.

1. Facility Comment: In the draft permit, page 16 of 43, the letter bullets go from A to C. The line item B is missing.
IDEM Response: IDEM concurs.
Change: Item B. Required Notice has been inserted.
2. Facility Comment: In the draft permit, page 19 of 43 Item P states that liability insurance in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million for non sudden accidental occurrences, exclusive of legal defense costs, must be maintained. According to 329 IAC 3.1-15-8 as referenced, treatment, storage, recovery, or disposal facilities shall maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars per occurrence with an annual aggregate of at least two million dollars, exclusive of

- legal defense costs. The \$3 million/\$6 million is a requirement for non sudden occurrences for owners and operators of surface impoundments, landfills, land treatment facilities, or disposal miscellaneous units. Thus, the 3 million/6 million liability coverage does not apply.
- IDEM Response: IDEM concurs.
Change: Item P has been revised as follows: The Permittee shall demonstrate continuous compliance with the requirements of 329 IAC 3.1-15-8 and the documentation requirements of 329 IAC 3.1-15-10, including the requirements to have and maintain liability coverage for sudden, and accidental occurrences in the amount of a least \$1 million per occurrence with an annual aggregate of at least \$2 million for sudden accidental occurrences.
3. Facility Comment: In the draft permit, page 23 of 43 Item E 2 contains provisions for management of containers. The current permit has a statement in item E2(c) that excludes hazardous waste generated by the permittee from counting toward the total amount in storage. The draft permit has removed this provision. Removing this provision decreases the overall amount of wastes that can be received into storage by the amount of RECI drums that are awaiting disposal. RECI would like the statement "The permitted capacity shall exclude hazardous waste generated by the Permittee" reintroduced in the permit language.
- IDEM Response: IDEM concurs.
Change: Language has been inserted excluding Reclaimed Energy-generated hazardous waste subject to the 90-day generator storage requirements.
4. Facility Comment: In the draft permit, page 23 of 43 Item I (1) and (3) states that incompatible waste and materials shall be handled as discussed in Process Information, Attachment D. Incompatible materials are discussed in Procedures to Prevent Hazards, Attachment F.
- IDEM Response: Information regarding the handling of incompatibles is found in Attachment D, Section D - 1a (3)(a) Requirement of Base or Liner to Contain Liquids, last paragraph on page 5 of 23; and in Attachment F, F - 5d Management of Incompatible Wastes in Containers. Identical language is used in both sections.
- Change: Item I(3) has been changed to reference Attachment F.
5. Facility Comment: In the draft permit, page 31 of 43 Item J contains a reference to the Closure Plan, Attachment (#20). This attachment is actually Attachment I, not #20.
- IDEM Response: IDEM concurs.
Change: Revised accordingly.
6. Facility Comment: In the draft permit, page 34 of 43, the language for Corrective Action begins. RECI agrees that corrective action language should be included in the permit for newly identified units and

also is aware that Item B 2 clearly states that there are no SWMU's and/or AOC's requiring corrective action at this time. However, it is somewhat misleading on page 42 when discussing the Corrective Action Activities Schedule, the first two items being submitting a workplan and RFI, which have been completed. The activities schedule should begin with Notification of Newly Identified SWMU's and the resulting work schedule should be clearly defined as work to be done on newly identified units.

IDEM Response:
Change:

IDEM concurs.
The due date for the RFI Workplan in VI.F.2. has been corrected to say "90 days after receipt of Section Chief's notification".

7. Facility Comment:

In Attachment A, RCRA subtitle C Hazardous Waste Permit Information Form, one page of hazardous waste codes was inadvertently omitted. The wastes codes identified in the Site Identification Form are correct. The additional page of codes for the Information Form has been attached.

IDEM Response:
Change:

IDEM concurs.
The missing page will be inserted.

8. Facility Comment:

In Attachment D, page 2 of 23, when discussing the Liftomatic drum grabbing attachment, the words "or equivalent" were removed. While RECI agrees that there are circumstances where "or equivalent" should not be used due to the inherent problems changes in process equipment may produce, some instances are necessary due to manufacturer changes, obsolete equipment, etc. In regards to the Liftomatic drum grabbing attachment, RECI contends that a different brand of the same functioning unit, same design, etc. should be permissible by the permit in the event that its replacement can not be achieved by the same manufacturer. If the term "or equivalent" cannot be reintroduced, then RECI would request that the language be amended to say "the tow motor is equipped with a drum grabbing attachment".

IDEM Response:
Change:

IDEM concurs.
The manufacturer's name "Liftomatic" has been removed.

9. Facility Comment:

In Attachment D, page 15 of 23, the words "or equivalent" were removed when referring to the Wilden Pump. Due to the same reasoning in Item 8, having a pump with the same specs, same design, etc., but having a different manufacturer should be allowable in the permit language. If the words "or equivalent" cannot be reintroduced, then RECI would request that the language be amended to say "the maximum operating pressure of the air diaphragm pump is 150 psi, but the maximum pressure supplied by the compressor is 80 psi.

IDEM Response:

The IDEM has no objections to a replacement pump of the same type and capacity regardless of the manufacturer of the pump. The use of "equivalent" pumps was removed because the replacement of the pump with different types of pumps or with

		pumps having different pumping rate/capacity from currently permitted must be done with a Class 1 modification as per 40 CFR 270.42. However, the same pump (e.g., pumps that are the same type, pumping rates/capacities, pressure rating) from a different manufacturer or with a different model number could be used without a modification to the permit.
	Change:	The manufacturer's name "Wilden" was removed and "air diaphragm" was added.
10.	Facility Comment:	Attachment J, Corrective Action, contains RECI's current list of SWMU's and their status. RECI agrees that this should be included for a record showing the no further action status of all identified SWMU's and AOC's. However, it is unclear, based upon the facility status, why Appendix J, which is a Corrective Action Scope of Work, is included. There is no scope of work, unless there would be a newly identified SWMU, which, upon notification, would be covered by the provisions in the permit condition language. RECI requests Appendix J be removed.
	IDEM Response:	The Corrective Action Scope of Work is a valuable tool in the investigation and remediation process, but it does not need to be included in the permit. The Corrective Action Scope of Work has been removed from the attachments.
	Change:	The CA SOW has been removed from the attachments, and the last sentence in VI.A.1. has been changed from: "The Permittee shall perform all such work in a manner consistent with, at a minimum, the Corrective Action Scope of Work found in Attachment J, Appendix J-1." to "The Permittee may use the principles and procedures set forth in IDEM's RISC Technical Resource Guidance Document and User's Guide, or other risk-based methodologies approved by IDEM's Office of Land Quality Permits Branch, as the basis for selecting risk-based endpoints that will be used for the investigations, risk evaluation, interim measures, and corrective measures under the permit."

ADDITIONAL CHANGE TO THE FINAL PERMIT

The Indiana Department of Environmental Management (IDEM) has determined that a State condition should be revised and/or clarified. The following table lists the permit condition that has been changed.

<u>Permit Condition</u>	<u>Change</u>
Permit Condition I.D.16	The references to Permit Condition I.D.14 have been corrected to read Permit Condition I.D.15.